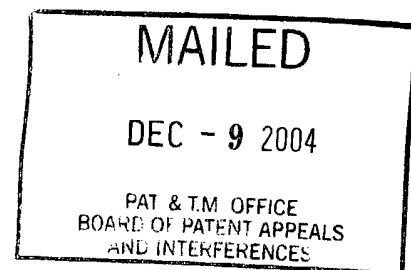


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANDREA MICHALIK

Application No. 10/023,357



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on August 10, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The appendix to the appeal brief filed November 5, 2003 is defective, for there is an error in claim 1 of the appendix compared to claim 1 of the specification.

Also, on January 30, 2004, the examiner has filed an examiner's answer. A review of the file reveals that the reference Cooper, Biotechnology and the Law, which is listed as

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prior art (page 3, prgh. (9)) was not scanned in IFW. Before further review, the examiner must have the reference scanned and made of record. Appropriate action is required.

Accordingly, it is

ORDERED that this application be returned to the examiner to: 1) correct the appendix to the brief in one of two ways: a) to notify appellant that the brief is defective, and to have appellant file a corrective brief; b) to issue a Supplemental Examiner's Answer to correct the deficiencies of the brief; 2) electronically enter the Cooper reference; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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Application No. 10/023,357

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DMS/tdl
RA05-0102